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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,718	02/13/2002	George R. Steber	380201.91209	2056

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EXAMINER

TERESINSKI, JOHN

ART UNIT

PAPER NUMBER

2858

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,718

Applicant(s)

STEBER ET AL.

Examiner

John Teresinski

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-16 and 26-29, drawn to a electronic testing device, classified in class 324, subclass 72.5.
- II. Claims 17-25, drawn to a voltage processing circuit, classified in class 324, subclass 126.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as providing a programmable gain for amplifiers. See MPEP § 806.05(d).

During a telephone conversation with Terri Flynn on July 29, 2003 a provisional election was made without traverse to prosecute the invention of group I, claims 1-16 and 26-29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-7, 10-16 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,250,893 to Gambill et al. in view of U.S. Patent No. 5,877,618 to Luebke et al..

Regarding claims 1,3,4,6,13-16,26,28 and 29, Gambill et al. disclose:

a housing (column 4 lines 9-12);

a display comprising a voltage range indicator and a voltage type and polarity detector (column 2 lines 28-34);

a voltage polarity and type detection circuit electrically coupled to the voltage type and polarity indicator (column 2 lines 28-34);

a pair of electrical contact test probes electrically coupled to the voltage polarity and type detection circuit (column 4 lines 9-15);

a voltage range scaling circuit for providing a scaled output signal of the voltage applied between the pair of probes (column 8 lines 61-68); and

a voltage detect circuit electrically coupled to at least one of the pair of electrical testing probes and to the voltage sense indicator for indicating when the electrical test probe has been coupled to a conductor having a voltage impressed thereon (column 4 lines 32-62).

Gambill et al. does not disclose indicating when the electrical test probe has been coupled to a conductor when the other of the pair of electrical testing probes is not contacting any conductor or a non-contact voltage sensor coupled to the voltage detection circuit when a voltage sensor is placed in an electromagnetic field associated with a voltage. Luebke et al. disclose a hand held non-contact probe including one a single probe non-contact voltage sensor coupled to the voltage detection circuit when a voltage sensor is placed in an electromagnetic field associated with a voltage (column 1 lines 44-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a single probe non-contact voltage sensor coupled to the voltage detection circuit when a voltage sensor is placed in an electromagnetic field associated with a voltage into Gambill et al. as taught by Luebke et al. for the purpose of providing a safety feature for to notify an operator to exercise caution when dealing with a particular test surface (column 1 lines 27-30).

Regarding claim 2, Gambill et al. does not disclose a switch for selectively activating a non-contact voltage sensor. Luebke et al. disclose a switch for selectively activating a non-contact voltage sensor (column 1 lines 44-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a switch for selectively activating a non-contact voltage sensor as taught by Luebke et al. into Gambill et al. for the purpose of prolonging the battery life of the meter device when not in use.

Regarding claim 5, Gambill et al. disclose an impedance divider for attenuating an AC voltage impressed between electrical contact probes (column 5 lines 32-67).

Regarding claim 7, Gambill et al. disclose a sleep mode (column 7 lines 22-35).

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Regarding claim 10, Gambill des not disclose an acoustic circuit to provide acoustic output. Luebke et al. disclose an acoustic circuit to provide acoustic output (column 4 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an acoustic circuit to provide acoustic output as taught by Luebke et al. into Gambill et al. for the purpose of simplifying interpretation of a signal output by the sensing device (column 1 lines 49-54).

Regarding claim 11, Gambill et al. disclose a continuity check circuit (column 3 lines 25-27).

Regarding claims 12 and 27, Gambill et al. does not disclose a non-contact voltage sensor located in the housing. Luebke et al. disclose a non-contact voltage sensor located in the housing (column 2 lines 21-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the non-contact voltage sensor located in the housing as taught by Luebke et al. into Gambill et al. for the purpose of providing a protective covering for the sensor.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambill et al. and Luebke et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,265,865 to Engel et al..

Regarding claims 8 and 9, Gambill et al. as modified does not disclose a molded rubberized container or a magnet coupled to the housing. Engel et al. disclose a plastic package for a magnetic field sensing device including a molded rubberized container and a magnet coupled to the housing (column 3 lines 27-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plastic package for a magnetic

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field sensing device including a molded rubberized container and a magnet coupled to the housing as taught by Engel et al. into Gambill et al. as modified for the purpose of minimizing cost of production (column 4 lines 8-19).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Teresinski whose telephone number is (703) 305-4746. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (703) 308-0750. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9319 for regular communications and (703) 872 9318 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JT  
JT  
July 29, 2003

  
**N. Le**  
Supervisory Patent Examiner  
Technology Center 2800